

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0254

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1046** - 1/22/97

Introduced by: The Committee on Commerce at the request of the Department of Commerce  
and Regulation

1 FOR AN ACT ENTITLED, An Act to define unfair discrimination in the business of insurance.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 58-11-55 be amended to read as follows:

4 58-11-55. No insurer ~~shall~~ may refuse to issue or to renew a policy or certificate solely  
5 because of the age, residence, race, color, creed, national origin, ancestry, occupation, or marital  
6 status of the applicant or the insured ~~according to such rules and regulations as promulgated by~~  
7 ~~the director of the Division of Insurance. Except as provided by § 58-15-45, notwithstanding any~~  
8 other provision of this title, this section applies to all types of insurance issued by all insurers.  
9 The director may promulgate rules for the purpose of carrying out this section. The rules may  
10 include definition of terms, identification of specific underwriting or nonrenewal guidelines used  
11 by insurers which would violate or be in compliance with this section, and application practices  
12 which violate this section. In considering the adoption of any rule pursuant to this section the  
13 director shall consider how the rule may serve to implement the purpose of preventing unfair  
14 discrimination as prohibited by this section and how the rule may impact the availability and price

1 of insurance in this state. Violation of this section is a Class 2 misdemeanor.

1    **BILL HISTORY**

2    January 14 - First read in House and referred to Commerce. H.J. 31

3    January 21 - Scheduled for hearing.

4    January 21 - Passed as amended, PASSED, AYES 13, NAYS 0. H.J. 73

5    January 21 - Placed on Consent.